

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO 2232 OF 2005

PETITIONER

Dr. A.R. Karoriya, S/o Shri N. L. Karoriya, aged about 40 years, Occupation - Govt. Service presently working as Medical Officer, Primary Health Centre, Pendra Road, District - Bilaspur (C.G.)

Permanent R/o Village-Madhen Kapura, Tahsil - Ambah, District - Murena (M.P.)

P.R. No. 2073/05
Presented by Shri. Manoj Mishra
dated. 06/05/05

VERSUS

RESPONDENTS

1. Union of India,
Through: the Secretary, Ministry of the Personnel and Public Grievances and Pension (State Re-organization) Government of India, New-Delhi.
2. Director, State Re-organization (Department of Personnel & Training) Government of India, New-Delhi.
3. The State of Madhya Pradesh,
Through : The Secretary, General Administration Department, Vallabh Bhawan, Bhopal (M.P.)
4. The State of Chhattisgarh,
Through : The Secretary, General Administration Department, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
5. The Director, Directorate of Health Services, Chhattisgarh, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

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6/5/05

R/c
Dauikpura
6/5/05

THAKUR VIJAY SINGH
Asst. Solicitor General of India
CHHATTISGARH HIGH COURT
High Court Campus, Bilaspur (C.G.)



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(2)

WRIT PETITION UNDER ARTICLES 226 AND 227 OF THE
CONSTITUTION OF INDIA FOR THE ISSUANCE OF
WRITS IN THE NATURE OF MANDAMUS, CERTIORARI,
PROHIBITION AND OTHER SUITABLE WRIT OR WRITS,
DIRECTION OR DIRECTIONS, ORDER OR ORDERS.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...W.P. 2232... सन् 2005

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	15.6.2005 Shri Bhupendra Singh, counsel for the petitioner. Shri G.K. Beriwal, Deputy Advocate General for the State/respondents No. 2 & 5 on advance copy. Ms. Sharmila Singha, Standing Counsel for Union of India/respondent No. 1. Heard both the counsel. Learned counsel for the petitioner submits that the petitioner who is working as Medical Officer in Primary Health Centre, Pendra Road, District Bilaspur, has been allocated to the State of Madhya Pradesh vide order dated 23.10.2002 (Annexure P-2) under Section 68 of the M.P. Reorganisation Act 2000. He has been allocated to District Jhabua. It is further submitted that even after passing of an order for allocation on 23.10.2002, he has not been relieved so far for proceeding to the State of Madhya Pradesh. It is an admitted position that the petitioner, who is working as Medical Officer, P.H.C. Pendra Road, District Bilaspur, has been allocated to the State of Madhya Pradesh on the said date (23.10.2002). It is also an admitted position that the petitioner has not been relieved so far. Learned counsel for the petitioner submits that similarly situated 5 doctors who are also allocated to the State of Madhya Pradesh were directed to be relieved from the State of Chhattisgarh vide order dated 17.12.2003 passed in bunch of	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	writ petitions (five petitions) by this Court. A copy of this order has been filed as Annexure P-11. Learned counsel for the petitioner also refers to the order 2.5.2005 which has been passed in writ petition No. 442/2004 by this Court and by the said order, the petitioner of the said writ petition is also directed to be relieved in order to enable him to join his duties in the State of Madhya Pradesh. Learned counsel for the petitioner further submits that the case of the present petitioner is squarely covered with the above 2 decisions rendered by this Court as the petitioner is also similarly placed person who has been finally allocated to the State of Madhya Pradesh. Learned counsel for the State and counsel for Union of India do not dispute this factual position, set forth by learned counsel for the petitioner. However, they submit that they are not in a position to state as to whether the order of allocation passed in favour of the petitioner is still existing or not. Having considered the facts and circumstances of the case and particularly considering the fact that various similarly placed persons, who have been allocated to the State of Madhya Pradesh have been relieved by the State of Chhattisgarh, I consider that present to be a fit case in which a direction for relieving the petitioner to join his duties at his allocated place in the State of Madhya Pradesh, should be passed.	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 3 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
sunita	Accordingly, the petition is allowed. It is directed that if the order of allocation issued in favour of the petitioner by which he has been allocated to the State of Madhya Pradesh is still existing, then he shall be relieved by the respondents in order to enable him to join his duties in the State of Madhya Pradesh. The petition is finally disposed of. In view of this order, I.A. No. 4358/2005 and M.W.P.No. 1800/2005 stand disposed of. It is made clear that if the order of allocation is not existing or is altered or any change ^{then} is taken place in between, ^{to} this order passed by this Court shall have no force. There shall be no orders as to costs in this petition.	Sd/- Sunil Kumar Sinha Judge

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